



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,798	08/13/2001	Min-Ho Song	678-0677	8091
66547 7590 09/17/2008 THE FARRELL LAW FIRM, P.C. 333 EARLE OVINGTON BOULEVARD SUITE 701 UNIONDALE, NY 11553				
EXAMINER				
HAILU, TADESSE				
ART UNIT		PAPER NUMBER		
2173				
MAIL DATE		DELIVERY MODE		
09/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/928,798

Applicant(s)

SONG, MIN-HO

Examiner

TADEESE HAILU

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 4 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is responsive to the amendment filed on June 30, 2008.
2. The pending claims 1, 2 and 6 are examined and rejected herein as follows.

Response to Arguments

3. Applicant's arguments filed January 29, 2008 have been fully considered but they are not persuasive. The applicant argues that

Sim fails to provide a distinction between the temporary storage of data of the image file and the storage of the image file. Further, *Sim* fails to provide any disclosure relating to storage of an image file after it is viewed and named in accordance with user requests.

To begin with *Sim* discloses a method of transmitting (Figs. 5, and 6A-6B) and receiving (Figs. 7, and 8A-8B) image information or graphic data using the data transmitting and receiving apparatus (or digital mobile station) of Fig. 2.

Sim's digital mobile station discloses a memory 23 that includes a volatile memory (for example, RAM) and a non-volatile memory (for example, flash memory or EEPROM), and performs the storage of a program for controlling the whole operation of the digital mobile station. *Sim* also discloses that the digital mobile station having a graphic data storage section 38 that is implemented by a flash memory (pars 45-46 and 61-62). *Sim* also described once the received data is decoded, the decoded data is stored (temporarily) in the specified storage regions of the graphic data storage

section 38 (pars. 45-46 and 61-62). It is typical, an item or object to be saved or stored in a memory location requires identifier/name. Furthermore, Sim in view of Helferich describes storage of an image file after it is viewed and named in accordance with user requests (see Helferich, column 10, lines 1-20 and column 12, lines 1-9) as recited in claim 1.

Having fully addressed the applicant's arguments, the rejection is maintained

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sim, Seng-Wook et al (European Patent Application Publication No. EP 1039 768 A2) in view of Helferich (US Pat No 6,826,407).

Mobile messaging encompasses a number of technologies and services enabling the exchange of messages between mobile users. The present invention is an improvement over the existing mobile messaging, that is, Short Messaging Service (SMS). The service allows the transfer of short text messages between mobile users. Similarly, Sim et al (EP 1 039 768 A2) and Helferich are also directed to the same invention.

With regard to claim 1:

As per “ A method of transmitting and receiving image information by a sending mobile phone having a memory and utilizing a short message service (SMS),” **as illustrated in Figs. 5, 6A and 6B and as described in paragraphs [0051]-[0058], Sim discloses a method similar with the present invention, that is, Sim discloses a method of transmitting data, such as graphic data (using a data transmitting apparatus of Fig. 2) for a digital mobile phone using a short message service (SMS). The method of Sim also discloses data storage section for storing the transmitted and received short message service blocks (Fig. 2, #28, [0025], [0032]).**

As per “selecting an image file out era list of one or more image files stored on the sending mobile phone;” **Sim discloses that the method also includes selecting and reading out the graphic data out of a plurality of stored graphic data for transmission (Sim, paragraphs 52 and 53).**

As per “displaying the selected image file on a display of the mobile phone;” **Sim also discloses views illustrating the display state, displaying the selected image file on a display of the mobile phone (see Fig. 9A, the third screen, wherein the selected [1]: A is displayed for read out, also see paragraphs 52-53). Sim also discloses confirming the displayed image by marking or selecting the graphic data, e.g., the selection [1]: A, the user desires to transmit to another device (Fig. 9 A, third screen, paragraphs 53-54). As illustrated in Fig. 9, the user accepts or**

confirms the displayed graphic data to be transmitted to the indicated/displayed destination.

As per "accepting information about a receiving mobile phone to which the image file selected by a user is to be transmitted;" **Sim also discloses inputting (or accepting) originating and terminating (destination) phone numbers in which information is exchanged (Sim, paragraph 52).**

As per "transmitting an SMS message having data of the image file and header information for indicating to the receiving mobile phone that the message is an image message;" **Sim also discloses transmitting the SMS message having graphic data and header information (or user data) for indicating (or visually recognize) to the receiver phone the type of data received (Sim, paragraph 54).**

As per "receiving the transmitted SMS message having data of the image file and the header information in the receiving mobile phone having memory for storing image files;" **as illustrated in Figs. 7, 8A and 8A and as described in paragraphs [0059]-[0067], Sim discloses a method similar with the present invention, that is, Sim discloses_a method of receiving data, such as graphic data (using a data receiving apparatus of Fig. 3) for a digital mobile phone using a short message service (SMS). As described in the above paragraphs, especially in paragraph 61, Sim describes the receiving step recited in the claim, receiving the transmitted SMS message having data of the image file or graphic data and the header information (as shown in Fig. 4) in the received mobile phone having memory**

(fig. 3, #33) for storing image file. Sim also describes, especially in paragraph 62, storing the received graphic data in permanent storage location (e.g., memory 33).

Furthermore, while Sim describes *"temporarily storing the data of the image file in the memory;"* that is storing received graphic data in flash memory (38) or temporary storage section (par. 46). Sim, however is silent in teaching *"alerting the user and displaying a predetermined icon for SMS message having data of the imago file if the header information indicates the image message,"* Sim also does not explicitly describes *"storing the image file after viewing the image file and assigning it a name in accordance with a receiving user requests."*

However, it is known in the art, upon receipt of an incoming call or message, to alert the user of the mobile device. For example, the mobile device may display a small envelope icon upon receipt of a voicemail or SMS message, and may be set to ring if it receives an incoming call.

Helferich provides a communication system for integrating audio and visual messaging. Helferich also utilizes Short messaging service (SMS) for sending text messages to a mobile telephone. Helferich also teaches *"alerting the user and displaying a predetermined icon for SMS message having data of the imago file if the header information indicates the image message,"* (column 10, lines 1-20, column 10, lines 35-46).

Helferich also describes *"storing the image file after viewing the image file and assigning it a name in accordance with a receiving user requests."* For example, the

user may be given the option to review the message, delete the message, re-record the message (of course with its file name assigned), etc (column 10, lines 35-46, column 12, lines 1-9).

Helferich and Sim are analogous art because they are from the same field of endeavor, presenting graphic messages in a data communication receiver (mobile phone). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Helferich's notification or alert mechanism including image manipulating (i.e., viewing and storing received messages) with Sim's detected graphic message because as graphic messages are detected in the header user is alerted e.g., via iconic display a presence of graphical messages in the SMS header, so that the alert mechanism serves as a feedback to the user. Therefore, it would have been obvious to combine Helferich with Sim to obtain the invention as specified in claim 1.

With regard to claim 2:

Sim in view of Helferich further discloses transmitting the graphic data in a plurality of repeated (successive) SMS message block (Fig. 4) if the data amount of the graphic data is judged to exceed the final bit allowed for the SMS block (Sim, Figs. 6A and 6B, paragraphs 25, 39, and 57).

With regard to claim 6:

As shown in Fig. 9, Sim in view of Helferich further discloses, a display section 21 that is a user interface device for displaying the whole state of the digital mobile station and input/select numerals and characters for managing image folder of the transmitted graphic data (Sim, par. 33, Fig. 9A).

CONCLUSION

6. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

7. Information regarding the status of an application may be obtained from the patent application information retrieval (PAIR) system. Status information for published application may be obtained from either Private –PAIR or Public-PAIR. Status information for unpublished applications is available through Private-PAIR only. For more information about the PAIR system, please see pair-direct.uspto.gov web site. Should you have questions regarding access to the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dennis Chow, can be reached at (571) 272-7767 Art Unit 2173.

/Tadesse Hailu/
Primary Examiner, Art Unit 2173